

Applicants: Helge Ahrens et al.  
Application No. 09/955,852  
Response to Office Action dated June 30, 2003

### REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the following comments.

Claims 2 and 4-12 are pending. Claim 4 has been made independent. Amendments have been made to the specification to cancel references to the claims. It is believed that no new subject matter has been introduced.

Since this amendment is being filed along with a Request for Continued Examination (RCE), no showing under 37 CFR § 1.116(b) is believed to be required.

### Rejections under 35 U.S.C. 103

The Examiner rejected claims 2 and 4-12 under 35 U.S.C. 103(a) as being obvious over Samuelsen (U.S. Patent No. 4,867,748) or Jensen (U.S. Patent No. 5,591,447) in view of Heinecke et al. (U.S. Patent No. 6,264,976). The Examiner found Samuelsen to teach a wound dressing comprising a sealing pad that is beveled along its outer edge in its thickness. According to the Examiner, Jensen teaches a wound dressing comprising a backing layer of polyurethane or polyamide, a removable release layer and an adhesive layer comprising polyurethane. The Examiner concedes the above-mentioned references do not teach an adhesive layer between the carrier film and the matrix, the exact thickness of the flanges as

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instantly claimed, or the active agents in the matrix. The Examiner found Heinecke to teach a wound dressing comprising a backing layer and absorbent pad wherein the surface of the backing adjacent to the absorbent medicated pad is supplied by adhesive layer to secure the pad to the backing. The Examiner ultimately found it would have been obvious to provide a wound dressing that bevels toward the edge and includes active ingredients in the matrix layer, and an adhesive layer between the backing and the absorbent pad of the Heinecke reference.

In response, Applicants submit a combination of the references is improper, such that a person skilled in the art would not have been led to the present invention. Applicants point out that in both Samuelsen and Jensen, the central matrix is itself *an adhesive* which extends to the edge of the dressing. Samuelsen, at column 3, lines 28-29, refers to the sealing pad as a "skin-friendly, water absorbent adhesive material". In Jensen, the alleged analog to the instantly claimed polyurethane matrix is an adhesive layer (26). And as stated above, the Examiner concedes the above-mentioned references do not teach an adhesive layer between the carrier film and the matrix. The Examiner has not explained, and Applicants can perceive no reason, apart from the necessity of supporting this rejection, why a person having ordinary skill in the art would have been motivated by the cited combination of references to add an adhesive layer from the Heinecke reference to the adhesive central matrix already present in both Samuelsen and Jensen. Since the central matrix of both Samuelsen and Jensen is itself already adhesive, adding an adhesive layer as allegedly taught by the Heinecke reference would appear to be a strictly empty exercise of no practical value whatsoever.

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As the Court stated in *In re Regel et al.*, 188 USPQ 136, 139, footnote 6 (CCPA 1975), citing *In re Bergel*, 130 USPQ 206, 208 (CCPA 1961):

"The mere fact that it is *possible* to find two isolated disclosures which might be combined in such a way to produce a new [product] does not necessarily render such production obvious unless the art also contains something to suggest the desirability of the proposed combination."

[Emphasis in original.] The Examiner has used the cited prior art to construct a hypothetical case that the present invention would have been *prima facie* obvious had certain particular elements of each of the cited references been selected and combined in the way the Examiner suggests. However, considering only the references themselves, from the vantage point of a person having ordinary skill in the art, wholly unaware of the present invention, as the Examiner is required to do under law, Applicants submit that for the reasons giving above such a person would not, in fact, have been led to the present invention. The fact that non-beveled structures with separate adhesive and padding layers were known in the prior art, as allegedly shown by Heinecke, is insufficient evidence of the motivation of one having ordinary skill in the art to add a separate adhesive layer to the already adhesive structure of Samuelsen and Jensen, and to configure such a hypothetical combination in the arrangement required by the instant claims.

Respectfully, Applicants submit that the Examiner would be fully justified to reconsider  
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and to withdraw this rejection as to all of the claims. An early notice that the rejection has been reconsidered and withdrawn is earnestly solicited.

Applicants also request that special consideration be given to new claim 4. Even if the combination of the references was proper—which Applicants do *not* concede—Applicants submit the references do not suggest the features of claim 4 as amended, which claims a wound dressing which comprises a polyurethane matrix “beveled from a centrally disposed area of the wound dressing towards an edge of the adhesive layer”. Samuelsen and Jensen show adhesive layers which are beveled at their edges, and not from a centrally disposed area. See Figures in both Samuelsen and Jensen; See Samuelsen which recites in the abstract, a dressing which is “beveled along all outer edges and optionally also, if annular, along the inner edge”. And nowhere does Heinecke suggest a polyurethane matrix which is beveled from a centrally disposed area of the wound dressing. Rather, the wound dressing contemplated in Heinecke discloses elements which lie along a flat plane, wherein none of the elements are beveled. See Heinecke, Fig. 3. Accordingly, because the references in combination do not suggest a polyurethane matrix “beveled from a centrally disposed area of the wound dressing towards an edge of the adhesive layer”, Applicants submit claim 4 is not rendered obvious by the cited references.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw the rejection. An early notice that this rejection has been

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reconsidered and withdrawn is, therefore, earnestly solicited

Closing

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.


Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

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Early and favorable action is earnestly solicited.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.116 (12 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: April 30, 2004

By   
David D. Kim